

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/076,404

Docket No. Q68583

AMENDMENTS TO THE DRAWINGS

Please find attached a Replacement Figure 4A

Attachment:

New Sheet

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted February 19, 2002.

Applicant thanks the Examiner for considering the references cited with the *Information Disclosure Statement* filed February 19, 2002.

Status of the Application

Claims 1-14 are all the claims pending in the Application, as claims 12-14 are hereby added. Claims 1-11 stand rejected.

Claims 1-11 are hereby amended in an editorial, non-limiting, fashion. No estoppel applies.

Specification Objections

The Examiner has objected to the Title for its brevity. Applicant amends the title herein to provide a fuller description of the invention. Thus, withdrawal of this objection is respectfully requested.

Additionally, the Examiner has objected to the Abstract as allegedly having less than 50 words. This allegation is incorrect, as the abstract contains more than 50 words. Thus, withdrawal of this objection is respectfully requested.

Drawings

The Examiner has objected to the Drawings as allegedly failing to show all of the features of claims 3, 4 and 5. Applicant hereby submits new FIG. 4A, which more clearly illustrates the features of independent claim 3, and directs the Examiner to FIG. 5A, which illustrates, in step A2, obtaining a key according (in at least one embodiment) to the method

claimed in claims 4 and 5. Accordingly, Applicant respectfully requests the withdrawal of this objection.

Indefiniteness Rejection

The Examiner has rejected claims 3 and 8-11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The informalities noted by the Examiner are corrected herein in view of Applicant's editorial amendments to the claim set. Thus, withdrawal of the rejection is respectfully requested.

Art Rejection

The Examiner has rejected: (1) claims 1, 2, 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by *Glover* (US 6,052,780; hereinafter “*Glover*”); (2) claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Glover* in view of *Applied Cryptography, Second Edition* by *Schneier* (hereinafter “*Schneier*”); and (3) claims 6-11 under 35 U.S.C. § 103(a) as being unpatentable over *Glover* in view of *McManis* (US 5,757,914; hereinafter “*McManis*”).

These rejections are respectfully traversed.

Independent Claim 1

The Examiner alleges that *Glover* discloses: (1) an encrypted program code portion of a device driver in col. 20, lines 47-48; (2) decrypting the encrypted program code portion in col. 9, lines 27-31; and (3) re-encrypting the decrypted program code portion before the driver is released in col. 10, lines 45-47 and col. 22, lines 32-36. Applicant respectfully disagrees.

Specifically, *Glover* is directed to “digital information [] stored as a computer program that decrypts itself while it is used to provide the digital information” (col. 8, lines 56-59).

More specifically, as shown in FIGS. 3 and 4 (reproduced to the right for convenience), *Glover* discloses a decryption program that uses a virtual device driver loaded in memory. The program includes an unwrap procedure 50 (step 70 of FIG. 4), which unwraps virtual device driver 52 (steps 74-78 of FIG. 4). In turn, the virtual device driver decrypts and/or decodes a separate portion of the file,

hidden information 54 (col. 9, lines 6-35; step 82 in FIG. 4). As described in col. 9, lines 36-52, labels 58 and 60 denote the end of the driver application 52, and the beginning of the hidden information 54. In col. 9, lines 38-39, it is disclosed that labels delineate the boundaries between the device driver and the hidden files.

Thus, it is clear that the portion of *Glover* cited by the Examiner provides a discrete virtual device driver 52 (seemingly alleged by the Examiner to correspond to the recited “device driver”) that decrypts a separate file 54, not a program code portion of the virtual device driver 52 itself.

Accordingly, Applicant respectfully submits that *Glover* fails to teach or suggest independent claim 1’s recitations of: (1) providing a “device driver comprising an encrypted code portion;” (2) “decrypting the encrypted program code portion in an initialization process of said device driver;” or (3) “re-encrypting the executed decrypted program code portion in

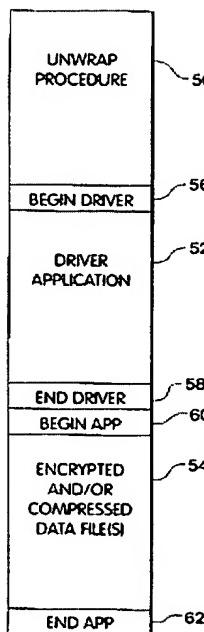


Fig. 3

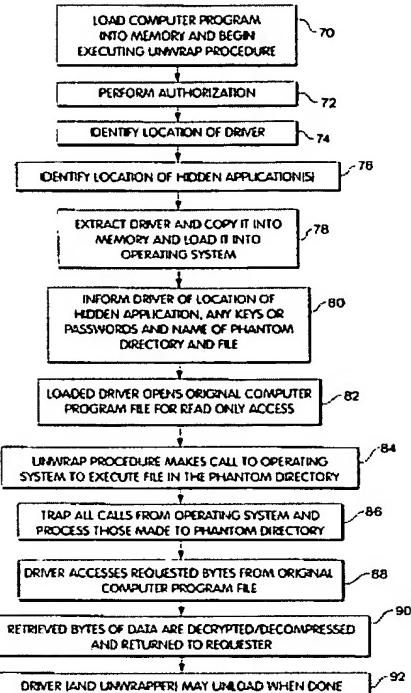


Fig. 4

an end process of the device driver, in which said device driver is released.” As noted above, Applicant respectfully submits that there is no teaching or suggestion in *Glover* of any decryption of a portion of the virtual device driver 52 during an initialization process of the virtual device driver 52, or of any re-encryption of the virtual device driver 52 during a release process of the virtual device driver 52.

Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied references.

Independent Claims 2 and 3

Applicant respectfully submits that independent claims 2 and 3 are patentable over *Glover* for at least the reasons discussed above with respect to independent claim 1. Further, with respect to independent claim 3, Applicant respectfully submits that the secondary reference applied by the Examiner with respect to this claim, *Schneier*, is deficient with respect to the features noted above as missing from *Glover*, as *Schneier* is not directed toward device drivers.

Dependent Claims 4-11

Applicant respectfully submits that rejected dependent claims 4-11 are allowable, *at least* by virtue of their dependency. Further, with respect to claim 6-11, Applicant respectfully submits that the secondary reference applied by the Examiner with respect to these claims, *McManis*, is deficient with respect to the features noted above as missing from *Glover*, as *McManis* is not directed toward device drivers.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 12-15 are hereby added. Claims 12-15 are fully supported *at least* by FIG. 1 of the instant Application. Claims 12-15 are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the features recited therein.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-15 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-15.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



Timothy P. Cremen
Registration No. 50,855

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 27, 2005